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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,555	01/22/2002	Jean-Marc Follini	68.0211	7181

7590 03/01/2004

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EXAMINER

DANG, HOANG C

ART UNIT PAPER NUMBER

3672

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,555

Applicant(s)

FOLLINI ET AL.

Examiner

Hoang Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-25, 27-33 and 38-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 10-12, 15, 16, 27, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 18, 22-25, 28-33, 40, 42-44 and 46 is/are rejected.
- 7) ☒ Claim(s) 17, 19, 20, 41, 45, 47 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 3, 7, 8, 9, 18, 21, 40, 42, 43 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Callihan et al (US 4,450,912).

The claimed structure reads exactly on the reference's when members (16), (35) and (16e) of Callihan et al are respectively considered as "body", "anchoring mechanism" and "flow conduit" as recited.

As to claims 2-3, see sealing elements 16b, 16c, etc.

As to claims 7-9, 30 and 31, see sliding valves 17-18 and check valve 25 or/and 32.

As to claim 18, see radial ports 16g or/and 16h.

As for claims 21 and 28, see column 4, lines 58-63.

As for claims 23-25, the "landing mechanism" does not distinguish from member 35 of Callihan et al.

As for claims 40 and 46, see "tube" 16p.

Contrary to applicant's argument, Callihan clearly shows a flow conduit 16e extending from a body 16 of a cementing tool and adapted to engage a fluid channel (bore of member 22) of a guide shoe (22,30) where the flow conduit channels cement flow through the guide shoe to the annular region outside a casing assembly (see Figure 1B).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 23, 24, 25, 28, 29, 30, 31 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callihan et al in view of Streich et al (US 5,718,287) or Smith (US 3,638,730).

Callihan et al discloses the invention as claimed except for the use of a lower cementing plug including a rupture element. Either Streich et al or Smith disclose a method for cementing a well casing. Both Streich et al and Smith teach the use of a rupture element on a lower cementing plug to keep the cement and mud from mixing as cement is pumped down (see column 4, lines 50-54 in Streich et al and column 3, lines 26-34 in Smith). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a rupture element in Callihan et al in view of the teaching of Streich et al or Smith for the advantage pointed out above.

5. Claims 22, 23, 24, 25, 29, 30, 31, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (US 2,079,830) in view of Streich et al ' 287 or Smith '730.

The Streich et al and Smith references are applied as above.

Response to Arguments

6. Applicant's arguments with respect to claims 22-25, 28-33 and 44 have been considered but are moot in view of the new ground(s) of rejection.

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Allowable Subject Matter

7. Claims 4-6, 10-12, 15, 16, 27, 38 and 39 allowed.
8. Claims 17, 19, 20, 41, 45, 47 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

9. The drawings filed on March 21, 2002 are objected to because parts shown in section in Figures 3, 4, 5, 6, 7, 8, 9A, 9B and 10A-10J are not properly cross-hatched. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

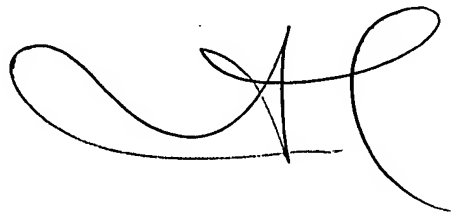
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoang Dang
Primary Examiner
Art Unit 3672

10054555.2fin
February 24, 2004

A handwritten signature in black ink, appearing to be 'HD' with a large loop and a cross-like flourish.